Minors Policy Frequently Asked Questions

These FAQs are meant to address common questions regarding the University of Dayton's Children on Campus and Working with Minors Policy. The questions and answers are categorized into five general sections:

- Training
- Background Checks
- Reporting Child Abuse and Policy Violations
- Program Logistics
- Miscellaneous

If your question is not addressed here, please contact the Office of Legal Affairs at legalaffairs@udayton.edu or 937.229.4333.

Training

Q1. Do all students need to be trained?

A1. All students working with minors as part of a UD program or a third-party's minors program on campus must be trained on the requirements of the Minors Policy training, whether by watching the video available on the Minors Policy website, or else taking comparable training delivered "live". The only exception would be if a student can verify that he or she took comparable training within a year of the program. The Office of Legal Affairs should be consulted to determine whether such training is comparable and must "sign off" that the training does indeed meet the University's requirements.

Q2. If a third party (anyone outside the University) participates as an authorized adult in a program involving minors hosted on the University's campus, how will I know they received training?

A2. The Program Coordinator for the program and/or the University employee granting access to the use of University facilities should confirm with the outside employer/employee that the requisite training was completed prior to participation in the program. That training can be achieved through the University's Minors training video (available online) or a comparable training delivered by the third-party employer; the Office of Legal Affairs will make the determination of whether the third-party employer's training is comparable for purposes of compliance with the Minors Policy (and a Third-Party Verification Regarding Minors Training form is available for such purposes). Documentation that the authorized adults have taken the requisite training should be maintained by a designated and identified member of the program's organizing team.

Q3. If a third party agency or University department has higher standards than what the University Minor's Policy requires, which standards should I use?

A3. Always use the higher standard; that is, if a University vice president or area director desires to enhance and/or supplement the required training or other elements to meet specific needs of the particular program or activity involved, they may do so. In addition, if a third-party program (e.g., school district) requires additional and/or enhanced elements to be implemented in a particular program, the University will attempt to supplement its requirements accordingly (provided that none of the additional requirements conflicts with the University's stated policy) or else take measures to inform its constituents of the additional measures they need to take.

Q4. How often should someone be trained on the Minors Policy?

A4. Annually.

Q5. Is the only way to be trained on the Minors Policy by watching the Minors Policy Training Video?

A5. No. As spelled out in the Toolkit, there are multiple ways to be trained. One way is to watch the video; groups can be convened to watch it, or individuals can watch it on their own. Or the training could be presented "live" – that is, someone from the Office of Legal Affairs could arrange to come and speak to your group. You may wish to create your own training, or supplement the standard training, in order to address the unique needs of your group; please consult with the Office of Legal Affairs for this option. And finally, some third-party entities conduct their own training that may cover everything the University requires. If you or someone in your program has undergone training elsewhere within the past year – such as through a church or school program – please contact the Office of Legal Affairs to see if that training suffices to meet the University's requirements.

Background Checks

Q6. Who is required to receive a background check under this policy?

A6. Any authorized adult who will be physically present in the overnight stay component of a program in which minors will be participating must successfully complete a background check prior to the overnight work with minors.

Q7. How often do I need to get a background check?

A7. Any authorized adult required to get a background check can rely on the successful results for one year from the date of the check. Background checks need to be annually updated for each year the authorized adult is participating in a program with an overnight stay component.

Q8. If I am required to get a background check to participate in an overnight stay with minors, what type do I need and where can I go to obtain this?

A8. Any authorized adult within the University community can obtain a background check through the Department of Public Safety. Anyone who is not a faculty, staff or student at the University, can obtain a background check at a local municipal agency (e.g., the Montgomery County Sherriff's Office). To be comparable to what the University checks, the background check needs to search county criminal records, federal criminal records, the national criminal database, and the sex offender database. Note that the basic elements of the University's background checks may be modified from time to time.

Q9. Who pays for background checks?

A9. The program is responsible for all costs associated with obtaining background checks, either holding the authorized adult individually responsible or budgeting that as a program cost (i.e., factoring that into the cost of participating in the program).

Q10. Where do the results of my background check go?

A10. Where the background check is required because an authorized adult is staying overnight as part of an overnight minors program, the general "clear" is communicated by the Office of Public Safety (who conducts the check) to the person in charge of the program. For confidentiality reasons, if the results show adverse findings, then the Office of Public Safety will forward the results to the Office of Legal Affairs who, in turn, will consult with the Office of the Provost (if the person is faculty), the Office of Human Resources (if the person is staff), or the Division of Student Development (if the person is a student).

Q11. Does it have to be a background check done by fingerprinting?

A11. No. The fingerprint-check through the Office of Public Safety is simply the pathway the University has set up for University constituents in need of a background check for purposes of the Minors Policy. But there may be units on campus who opt, through their own management, to set up their own means of background-checking. For example, a unit might establish a relationship with a vendor that specializes in performing background checks. The important is that, whatever background check method is used, it check for issues comparable to what the University's background checks cover: searching criminal records (such as county criminal records, federal criminal records, the national criminal database, and the sex offender database) for information regarding, among other things, felonies, sexual offenses, drug offenses and incidents involving violence.

Q12. What about a third-party entity that uses campus facilities to host an overnight program for minors – do they have to have background checks?

A12. Yes, or verify that they have a comparable background check protocol in place (and that the adults involved in the program have successfully completed such checks within a year of the program). A Third-Party Verification Regarding Background Checks form is available for such purposes; it should be signed by the third-party entity and provided to the University personnel handling the assignment of space to them.

Q13. Will speeding tickets show up on a background check and keep me from being involved in a program involving minors?

A13. Typically minor traffic violations do not show up on a criminal background check; only major traffic violations – such as vehicular homicide – would be included. Even if a traffic violation did show up, it would not affect your ability to be involved in the program. However, if you wish to be authorized to provide transportation as part of the minors program, any significant traffic violations could affect your ability to volunteer to transport minors.

Q14. If I get have a background check conducted through the Office of Public Safety, how long will it take to get the results?

A14. Typically the results are known within a week or so. Longer periods of time might be required if the person has a very common name, such that confirming the correct individual requires additional checking/confirmation; significant negative results are found; or more jurisdictions than typical must be searched (*e.g.*, the person has lived in multiple different states).

Reporting Child Abuse or Policy Violations

Q15. Where do I need to report if I witness or suspect abuse/neglect, or the threat of such abuse/neglect, of a minor?

A15. It depends.

a. All authorized adults need to report this to the person in charge of the program, if known. Typically that person is a UD employee. If there is no clear person in charge, report it to the head of the University department or unit under which the program falls. Or report it to the University's Office of Legal Affairs. Or, if the person in charge is a UD student, then report it the incident to the Executive Director of the Center for Student Involvement.

b. In addition, if the University program takes place on campus, report the incident to Public Safety at 229-2121. If the program takes place off campus, report to the incident to the appropriate authorities for that physical location, if that host facility has a protocol in place for handling such incidents. If no such authority/protocol exists, report to Public Safety.

c. And if you are designated as a Mandatory Reporter as defined by Section 2151.241 of the Ohio Revised Code (school teachers, doctors, lawyers, counselors, etc.), you must also report to the public children services agency or the local police/sheriff for the location where the program took place.

Q16. Where do I report if I see a violation of the Minors Policy that may not rise to the level of child abuse/neglect?

A16. Report all such incidents to Public Safety (or, if off-campus, to the appropriate authorities if the location has a standard of practice for handling such incidents) and to the person in charge of the program.

Q17. Can I get in trouble for not reporting?

A17. Individuals working with minors on campus must report any child abuse or suspected child abuse. This includes but is not limited to physical abuse, sexual abuse, emotional or mental abuse, or neglect. At a minimum, a failure to report may be considered a violation of the University's Minors Policy, and it may also be a violation of other University policy or standards of conduct. If an allegation is made that someone has failed to make a report, it could result in that person being unable to be part of the minors program until the matter is resolved. In addition, there may be legal or ethical violations if a mandatory reporter (as defined by Ohio law) fails to report an incident of abuse. The point, whenever in doubt, is to err on the side of caution so that known abuse can be responded to appropriately.

Q18. What if I am not sure that what I witnessed or suspect rises to the level of abuse or neglect?

A18. Go ahead and report. The objective is that known or suspected abuse be made known, so that appropriate help can be given. All reports will be referred to the appropriate authorities trained in handling these matters to make final determinations. Individuals who witness or suspect child abuse or neglect should not conduct any investigation on their own, as that may impede or delay the handling by the proper authorities.

Q19. I am the head of the department or unit, and someone just reported an incident of suspected abuse to me. What do I do?

A19. You should ask the individual who reported it to you if they notified the Office of Public Safety; if not, do so yourself by calling 937.229.2121. Then you should also contact the Office of Legal Affairs at 937.229.4333 or legalaffairs@udayton.edu.

Q20. I work in the Office of Student Involvement, and someone just reported an incident of suspected abuse to me. What do I do?

A20. You should ask the individual who reported it to you if they notified the Office of Public Safety; if not, do so yourself by calling 937.229.2121. Then you should also contact the Office of Legal Affairs at 937.229.4333 or legalaffairs@udayton.edu.

Program Logistics

Q21. Where should release forms (which might be part of the registration form) be kept, and for how long?

A21. The Program Coordinator should make sure all necessary paperwork is collected and kept in a safe location. Records should be retained until a minor child reaches age 18 PLUS two years.

Q22. What is an appropriate authorized adult-to-minor ratio?

A22. While UD does not require a specific ratio, Program Coordinators should consider best practices for the type of activity involved. One possible guide is that of the American Campers Association. That association recommends a ratio of 6:1 for children 5 and younger; 8:1 for children ages 6-8; 10:1 for children ages 9-14; and 12:1 for children ages 15-18.

Q23. Who is responsible for all children being picked up from a program?

A23. The Program Coordinator is responsible for establishing and communicating a pick-up/drop-off procedure for participants. Two authorized adults from the program should be present at all times during those procedures, until the last child is picked up, particularly if the pick-up area is inside a building. If the pick-up area is outside, then – depending on the number of participants in the program – then one authorized adult may be able to oversee the pick-up process.

Q24. What if a program participant drives him- or herself to an overnight program or camp? How should that be handled in terms of paperwork, permission to leave, etc.?

A24. Generally you should limit a child's ability to come and go during camp; one practice you might consider adopting is to take a program participant's vehicle keys when he or she arrives for camp. You also should make clear (on the registration form) that the child will not be picked up from camp but will be providing his or her own transportation.

Q25. I have the role of helping collect the registration forms for a minors program or event, and a lot of blanks have been left on the forms. Should I require the parents/guardians to fill in the blanks?

A25. Yes, depending on which blanks are left open. For example, contact information -- including emergency contact information -- is essential. Also it's very important to have clear identifying information on who is authorized to pick up the child; the parents and guardians, with their identifying information, should be listed in that section. But if the allergy section is left blank, then the program can assume that the child has no known allergies. And of course, it's critical that the form is actually signed by an authorized parent or guardian. You should consider instructing anyone who's part of the form-intake process to be particularly mindful of the need for forms to be filled out properly.

Q26. If the program is being run off-campus by a non-UD entity – for example, a homeless shelter soliciting volunteers to tutor children, but a UD student organization is volunteering as a group – does the sample Minors Event Registration Form need to be used?

A26. No. That other entity – in this example, the homeless shelter – is expected to collect the information it needs to account for the children who are being tutored. However, the UD individuals who are volunteering as part of a UD program/event (in this example, an event by a UD student organization) should take the Minors Policy training.

Q27. What if an outside entity is using UD campus facilities for an event, but the outside entity is running and planning the program – does that outside entity need to use the sample UD Minors Event Registration Form? Are there other parts of the Minors Policy they need to worry about?

A27. No. The entity using UD facilities is expected to collect the information it needs to account for the children who are being tutored; that entity can use its own forms for doing so. That entity and all of its employees/volunteers are also expected to abide by the requirements of the Minors Policy. That is, they should comply with the conduct requirements, be trained on the policy, understand and following the requirements to report known or suspected child abuse, etc. (see Q#4).

Q28. Are there special considerations if the program or event will be providing transportation to minors?

A28. Yes. First, you should be sure that a parent/guardian grants written permission for the program to provide transportation to the minor, and you should make it clear that transportation is *not* being provided to and from the minor's home but, rather, just for program events. To obtain this permission, you can use the sample Transportation Authorization Form. If University vehicles will be used for this transportation, then any authorized adult driving a University vehicle needs to authorized to do so by taking the Driver Safety Online Training. If personal vehicles will be used to provide the transportation, then the authorized adults should fill out the "Personal Vehicle Questionnaire" prior to providing the transportation. Generally, anyone providing the transportation should not have six or more points on his or her driving record, nor have any OVI record.

Miscellaneous

Q29. What if strict adherence to the Minor's Policy would result in a major detraction from my stated program goals?

A29. The policy requirements are meant to protect minors from inappropriate contact and relationships. If you believe that strict adherence to the policy is not feasible, and you also have specific measures in place to assure that appropriate contact and relationship boundaries are known, please contact the Office of Legal Affairs for consultation and to request a waiver from certain requirements.

Q30. What would happen in the event of a campus-wide emergency?

A30. During a campus-wide emergency, individuals working with minors should follow the instructions of the Office of Public Safety. Further, the Program Coordinator should have prepared an emergency notification procedure and provided that to parents prior to the program, e.g., a program point-of-contact for emergencies, cellphone number for that person, a means for contacting parents, etc. That emergency notification procedure should be followed as well.

Q31. What should be done if a participant in a minors program starts to display symptoms that require the child to be separated from the rest of the participants?

A31. That child should be segregated from the other children in a safe and respectful way, with arrangements for medical care made; keep in mind that two authorized adults should be with that child, even while separated from the rest of the program. The incident needs to be reported to all parents/guardians. That child's parents/guardians should be reached first (but do not let reaching them hinder the provision of care), but then the remainder of the program participants' parents/guardians should be notified of the condition too. This type of scenario might arise if a child starts displaying measles symptoms. That child needs to be taken care of, but all parents who children are in the program should be informed.

Q32. Are there any minors/programs that are exempt from the policy?

A32. Yes, high school students under the age of 18, including prospective student-athletes, who are participating in pre-enrollment visitations to campus are not bound to the "two authorized adults" protocol of the Minors Policy. However, such high school students are expected to abide by the standards of behavior expected of UD enrolled students found in the Code of Conduct portion of the University's Student Handbook. Also, children at the Bombeck Family Learn Center do not fall under the Minors Policy, since the Bombeck Center – as an early childhood education center – is subject to a stringent set of regulatory requirements. Further, children accompanying their parents or guardians who work on campus, whether to the RecPlex or some other activity on campus, are expected to be appropriately supervised by their parent/guardian.

Q33. Why are two authorized adults required to interact with children on campus?

A33. The presence of two adults who understand behavioral and reporting requirements is a best practice for working with children. It protects the child, as there is an adult there to help hold the other adult to appropriate standards. However, the requirement of two authorized adults also protects you. That is, if another adult is present, then you avoid the situation of someone making a false accusation against you -- you will have another adult who actually observed what occurred.

Q34. What if I'm tutoring children as part of a program off campus, and there aren't enough other volunteers for there to be another "authorized adult" around?

A34. Especially with programs off-campus, the University understands that strict adherence is not always achievable. However, you should attempt to have another adult around, and also follow conduct protocols such not being in an enclosed room alone with a minor, etc.

Q35. Does the policy apply to guest speakers and other guests?

A35. Speakers typically do not work directly with minors, so they do not need a background check or training. However, if the University guest will work with minors, that individual needs to comply with the University Minors Policy.

Q36. What about a group of school kids that comes to campus as a field trip, such as to see a display or a production?

A36. Generally those school kids would be subject to the supervision of their own school and be expected to abide by their school's policies and procedures, which would include standards for appropriate behaviors as well as appropriate interactions between adults and minors.

Q37. The Toolkit offers some ideas for how to track who's taken the training versus who's not. Am I permitted to use my own methods, such as through Isidore or a Google form?

A37. Yes, you may use whatever method works best for you. You may even create a quiz if you like. The important thing is that you have a means of documenting that the individuals involved in your program have been trained on the Minors Policy.

Q38. The Toolkit Checklist states that if a third-party entity is using UD facilities to host an event, I should obtain a certificate of insurance. What does this mean?

A38. This means that, when someone uses University facilities, the University's preferred approach is that the University be named an "additional insured" on that third-party entity's insurance policies, and that the entity provide documentation of such (the certificate of insurance) to the University. Contact the University's Office of Environmental Health & Safety/Risk Management (EHS/RM) at 937.229.4503 for more information.

Q39. On the registration forms, do I need to obtain the original signature of the parent/guardian? Is an "/s/" sufficient, or some designation of an electronic signature?

A39. We recommend that you obtain the actual handwritten signature, as that helps avoid the possibility of someone else (such as a program participant) attempting to submit the form without the actual permission of the parent or guardian.

Q40. Whom do I contact if I have questions or concerns about the policy?

A40. Contact the Office of Legal Affairs by email at legalaffairs@udayton.edu by phone at 937.229.4333.